

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

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**THIS DOCUMENT RELATES TO:**

**Plaintiffs' Master Administrative Long-  
Form Complaint and (if applicable)  
James A. Molinaro and Erin Molinaro,  
his wife v. National Football League [et  
al.],  
No. 13-cv-05769-AB**

**SHORT FORM COMPLAINT**

**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION**

**JURY TRIAL DEMANDED**

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**SHORT FORM COMPLAINT**

1. Plaintiffs, JAMES A. MOLINARO and ERIN MOLINARO, his wife bring this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL NO. 2323.

2. Plaintiff and Plaintiff's Spouse are filing this short form complaint as required by this Court's Case Management Order No. 2, filed April 26, 2012.

3. Plaintiff and Plaintiff's Spouse incorporate by reference the allegations (as designated below) of the Master Administrative Long-Form Complaint, as may be amended, as if fully set forth at length in this Short Form Complaint.

4. NOT APPLICABLE.

5. Plaintiff is a resident and citizen of Summerfield, North Carolina and claims damages as set forth below.

6. Plaintiff's Spouse is a resident and citizen of Summerfield, North Carolina and claims damages as a result of loss of consortium proximately caused due to the harm suffered by her Husband, James A. Molinaro.

7. On information and belief, the Plaintiff sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. On information and belief, Plaintiff suffers from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff sustained during NFL games and/or practices. On information and belief, the Plaintiff's symptoms arise from injuries that are latent and have developed and continue to develop over time.

8. The original complaint by Plaintiff in this matter was filed in the United States District Court for the Southern District of Florida. If the case is remanded, it should be remanded to the United States District Court for the Southern District of Florida.

9. Plaintiffs claim damages as a result of [check all that apply]:

- ☒ Injury to herself/himself.
- ☒ Injury to the Person Represented
- ☐ Wrongful Death
- ☐ Survivorship Action
- ☒ Economic Loss
- ☒ Loss of Services
- ☒ Loss of Consortium

10. As a result of the injuries to her Husband, James A. Molinaro, Plaintiff's Spouse, Erin Molinaro, suffers from a loss of consortium, including the following injuries:

- ☒ Loss of marital services;
- ☒ Loss of companionship, affection and society;
- ☒ Loss of support, and
- ☐ Monetary losses in the form of unreimbursed costs she has had to expend for the health care and personal care of her husband.

11. Plaintiff and Plaintiff's Spouse reserves the right to object to federal jurisdiction.

12. Plaintiff and Plaintiff's Spouse bring this case against the following Defendants in this action [check all that apply]:

- ☒ National Football League
- ☒ NFL Properties, LLC.
- ☐ Riddell, Inc.
- ☐ All American Sports, Inc. (d/b/a Riddell Sports Group, Inc.)
- ☐ Riddell Sports Group, Inc.
- ☐ Easton-Bell Sports, Inc.
- ☐ Easton-Bell Sports, LLC.
- ☐ EB Sports Corporation
- ☐ RBG Holdings Corporation

13. [Check where applicable] As to each of the Riddell Defendants referenced above, the claims asserted are: \_\_\_\_ design defect; \_\_\_\_ informational defect; \_\_\_\_ manufacturing defect.

14. [Check where applicable] \_\_\_\_ The Plaintiff wore on or more helmets designed and/or manufactured by the Riddell Defendants during one or more years Plaintiff (or decedent) played in the NFL and/or AFL.

15. Plaintiff, JAMES A. MOLINARO played in the National Football League during 2004-2008 for the following teams: Washington Redskins and Dallas Cowboys.

### **CAUSES OF ACTION**

16. Plaintiff herein adopts by reference the following Counts of the Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts [check all that apply]:

- ☒ Count I (Action for Declaratory Relief-Liability (Against the NFL))
- ☒ Count II ( Medical Monitoring (Against the NFL))
- ☐ Count III (Wrongful Death and Survival Actions (Against the NFL))
- ☒ Count IV (Fraudulent Concealment (Against the NFL))
- ☒ Count V (Fraud (Against the NFL))
- ☒ Count VI (Negligence Misrepresentation (Against the NFL))
- ☐ Count VII (Negligence Pre-1968 (Against the NFL))

- X Count VIII (Negligence Post 1968 (Against the NFL))
- X Count IX (Negligence 1987-1993 (Against the NFL))
- X Count X (Negligence Post 1994 (Against the NFL))
- X Count XI (Loss of Consortium (Against the NFL and Riddell))
- X Count XII (Negligent Hiring (Against the NFL))
- X Count XIII (Negligent Retention (Against the NFL))
- Count XIV (Strict Liability for Design Defect (Against Riddell Defendants))
- Count XV (Strict Liability for Manufacturing Defect (Against Riddell Defendants))
- Count XVI (Failure to warn (Against Riddell Defendants))
- Count XVII (Negligence (Against Riddell Defendants))
- X Count XVII (Civil Conspiracy/Fraudulent Concealment (Against NFL Defendants))

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff and Plaintiff's Spouse pray for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. For loss of consortium;
- C. For punitive and exemplary damages as applicable;
- D. For all applicable statutory damages of the state whose laws will govern this action;
- E. For medical monitoring, whether denominated as damages or in the form of equitable relief;
- F. For an award of attorneys' fees and costs;
- G. An award of prejudgment interest and costs of suit; and
- H. An award of such other and further relief as the Court deems just and proper.

**JURY DEMANDED**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by jury.

Dated: October 24, 2013

Respectfully Submitted:

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